

# DRAFT

Colonel David C. Weston  
District Engineer, Galveston District  
Department of the Army, Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

RE: Permit No. SWG-2007-01865, Captain Jack Roberts, Time Extension.

Dear Colonel Weston:

In response to your letter dated August 11, 2008, received on August 15, 2008, the Environmental Protection Agency (EPA), Region 6, has considered your request to provide input regarding EPA's position on the issuance of a permit time extension to Captain Jack Roberts to conduct dredging in a project area immediately adjacent to the San Jacinto River Waste Pits (SJWP) site. In addition, you requested EPA's position concerning the management of currently issued permits, and the ongoing issuance of permits in the area of the SJWP site.

According to your letter, a time extension of the permit was authorized in December of 2007. In addition, several hundred other permits were issued in the area of the San Jacinto River, at its confluence with Old River, in Harris County, Texas.

The SJWP site was added to the National Priorities List on March 19, 2008. The EPA, Region 6, Superfund Division, is in the process of identifying potentially responsible parties and will be conducting a remedial investigation to determine the nature and extent of the contamination at the SJWP site. The EPA is concerned that dredging activities around the SJWP site may contribute to a release or threat of release of hazardous substances. Parties who engage in these dredging activities around the SJWP site may be liable for the costs in responding to the release or threat of release

Given the known levels of dioxin and other contaminants in the area of the SJWP site, the EPA discourages the permittee, Captain Jack Roberts, from dredging in and around the permitted area until the remedial investigation is concluded and a remedial study area is identified. In addition, we recommend that any stockpiled dredged materials not be moved from this area until further testing can be conducted.

The EPA supports the immediate suspension and/or revocation of this permit action, SWG-2007-01865, including the mitigation requirements by the Galveston District until the full extent and nature of the contamination is known at the site.

We further recommend that the Corps continue to coordinate all other permit actions with the EPA and the other resource agencies. Feel free to contact me for further discussion.

Should you have any questions regarding our comments, please contact Sharon Fancy Parrish, of my staff, at (214) 665-7275.

Sincerely yours,

Miguel I. Flores  
Director  
Water Quality Protection Division (6WQ)

cc: Jamie Schubert, Texas Parks and Wildlife Dept, Dickinson, TX  
Fred Anthamatten, Galveston Corps of Engineers  
Casey Cutler, Galveston Corps of Engineers  
Stephen Parris, U.S. Fish and Wildlife Service, Houston, TX  
Rusty Swafford, NMFS, Galveston, TX  
Mark Fisher, TCEQ, Austin, TX

bcc: Stephen Tzhone, EPA, Region 6